

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Cabinet

29th May 2024

Report of the Head of Legal and Democratic Services

Matter for Decision

Wards Affected: All Wards

Appointment of a Senior Coroner for Swansea and Neath Port Talbot

Purpose of the Report

To seek cabinet approval to proceed with a recruitment process leading to the appointment of a permanent Senior Coroner for the Swansea and Neath Port Talbot area.

Executive Summary

The Council has statutory duties in relation to the Coroner Service as provided for by the Coroner and Justice Act 2009.

The interim Senior Coroner is Mr Colin Phillips who was appointed on the 31st of May 2014 when the previous Coroner resigned. There is normally a duty to appoint a Senior Coroner within three months, but due to further potential mergers of Coroner areas the Chief Coroner indicated that he wished to meet representatives from a number of authorities to discuss options.

The Coroner's Office has now confirmed it is appropriate that Swansea and Neath Port Talbot remain as a stand-alone Coroner's area. The Councils are therefore able to proceed with the appointment of a permanent Senior Coroner. The post will have to be advertised widely in accordance with the Guidance issued by the Chief Coroner.

Background

The Council has statutory duties in relation to the Coroner Service as provided for by the Coroner and Justice Act 2009.

H.M coroner services are financed by local authorities and the service covering the Swansea and Neath Port Talbot areas is financed jointly with Neath Port Talbot. Swansea Council is the relevant authority for the area which means that there is a statutory duty on this Local Authority to meet the costs related to running this service. The relevant authority is also responsible for appointing the Senior Coroner and Assistant Coroners for the area notwithstanding that they will not be employees of the authority but rather independent judicial office holders. Each Council pays their own costs in relation to cases, but the Core Team costs (salaries, case management system and other office costs incurred by staff in Swansea) are split between the two Councils with Neath Port Talbot paying 34%.

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The Coroner's Office has now confirmed it is appropriate that Swansea and Neath Port Talbot remain as a stand-alone Coroner's area. The Councils are therefore able to proceed with the appointment of a permanent Senior Coroner. The post will have to be advertised widely in accordance with the Guidance issued by the Chief Coroner.

The arrangements for appointments are set by the Coroners and Justice Act 2009 and by the Chief Coroners Guidance. Every appointment will need to be approved by the Chief Coroner and the Lord Chancellor and it also a requirement that the Chief Coroner approves the appointment process to be followed and the shortlist drawn up in order to conduct interviews. The Chief Coroner has issued guidance on the appointment of coroners (Chief Coroner's Guidance Note 6 - Appointment of Coroners). The authority will need to form a panel to shortlist, conduct the interviews and decide on the appointment. The composition of the panel is a matter for the authority, but the Chief Coroner or representative may attend the interviews and will usually do so in the case of the appointment of a Senior Coroner.

The Head of Legal and Democratic Services in consultation with the Chief Legal Officer of Swansea Council will now make arrangements to set up the Panel and is seeking delegated powers to do this.

Once the panel has come to a decision, a report will need to be sent to the Chief Coroner (if he was not present in the interviews) describing the process followed and the reasons for proposing the successful applicant or applicants. The approval of the Lord Chancellor will also be sought. If the Coroner Area contains more than one authority, then the host authority must work in conjunction with the other authority(ies).

Financial Implications

The salary for Senior Coroners is set with reference to the Joint Negotiating Committee's (JNC) pay range for senior Coroners. It is between £129,872 to £144,303 and will be for the individual LA to set the exact salary on appointment based on experience. The Act provides that a Senior Coroner is entitled to a salary and that salary is to be agreed between the Senior Coroner and the authority.

In deciding the appropriate salary, work has been undertaken by Swansea in conjunction with the Head of Legal and Democratic Services of NPT to assess complexity of work covered by the Swansea and Neath Port Talbot coroner area. Factors such as presence of institutions i.e. prisons and hospitals. With around 2,350 – 2,600 reported deaths a year, Swansea and Neath Port Talbot is considered a busy coroner area.

Neath Port Talbot currently contribute 34.5% to the costs of the H.M. Coroner Service. The current Coroner Service budget therefore is in place to meet these costs.

Integrated Impact Assessment

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016. The first stage impact assessment has indicated that a more in-depth assessment is not required

Workforce Impacts

There are no workforce impacts associated with this report.

Legal Powers

The arrangements for appointments are set by the Coroners and Justice Act 2009 and by the Chief Coroners Guidance.

Risk Management

Failure to appoint a Senior Coroner will render both this Council and Swansea in breach of the Coroners and Justice Act 2009. The recruitment process will ensure legal compliance can be achieved.

Consultation

There is no requirement for external consultation on this item.

Recommendation

It is recommended that having due regard to the integrated impact screening assessment that members grant delegated authority to the Head of Legal and Democratic Services in consultation with the Cabinet Member for Finance, Performance and Social Justice.

- to agree the job description, contractual terms and appointment process for the post of Senior Coroner and to make arrangements to suitably advertise the post;
- to take all necessary steps to progress the appointment of a Senior Coroner;
- in consultation with the City and County of Swansea Council and the Chief Coroner's officer, to establish a panel in order to draw up a short-list, interview applicants and to appoint the successful applicant as the Senior Coroner for Swansea and Neath Port Talbot

Reason for Decision

To ensure the appointment of a Senior Coroner for Swansea and Neath Port Talbot and to meet the legal requirements of the Coroners and Justice Act 2009

Implementation of Decision

This decision will be implemented on the expiry of the three-day call-in period.

Appendices

Appendix 1- Integrated Impact Screening Assessment

List of Background Papers

None

Officer Contact

Mr Craig Griffiths

Head of Legal and Democratic Services

Impact Assessment - First Stage

1. Details of the initiative

Initiative description and summary: Appointment of a Senior Coroner for Swansea and Neath Port Talbot
Service Area: Legal and Democratic Services
Directorate: Strategy and Corporate Services

2. Does the initiative affect:

	Yes	No
Service users		X
Staff		X
Wider community		X
Internal administrative process only		X

3. Does the initiative impact on people because of their:

	Yes	No	None/ Negligible	Don't Know	Impact H/M/L	Reasons for your decision (including evidence)/How might it impact?
Age		X				There will be no effect on any protected characteristics as a result of this proposal. Any recruitment process will ensure compliance with the Equality Act 2010.

Disability		X				There will be no effect on any protected characteristics as a result of this proposal. Any recruitment process will ensure compliance with the Equality Act 2010.
Gender Reassignment		X				There will be no effect on any protected characteristics as a result of this proposal. Any recruitment process will ensure compliance with the Equality Act 2010.
Marriage/Civil Partnership		X				There will be no effect on any protected characteristics as a result of this proposal. Any recruitment process will ensure compliance with the Equality Act 2010.
Pregnancy/Maternity		X				There will be no effect on any protected characteristics as a result of this proposal. Any recruitment process will ensure compliance with the Equality Act 2010.
Race		X				There will be no effect on any protected characteristics as a result of this proposal. Any recruitment process will ensure compliance with the Equality Act 2010.
Religion/Belief		X				There will be no effect on any protected characteristics as a result of this proposal. Any recruitment process will ensure compliance with the Equality Act 2010.
Sex		X				There will be no effect on any protected characteristics as a result of this proposal. Any recruitment process will ensure compliance with the Equality Act 2010.
Sexual orientation						There will be no effect on any protected characteristics as a result of this proposal. Any recruitment process will ensure compliance with the Equality Act 2010.

4. Does the initiative impact on:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence used) / How might it impact?
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People's opportunities to use the Welsh language		X				Any recruitment process will be carried out in both Welsh and English.
Treating the Welsh language no less favourably than English		X				Any recruitment process will be carried out in both Welsh and English.

5. Does the initiative impact on biodiversity:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence) / How might it impact?
To maintain and enhance biodiversity		X				There will be no effect as a result of this proposal.
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.		X				There will be no effect as a result of this proposal.

6. Does the initiative embrace the sustainable development principle (5 ways of working):

	Yes	No	Details
Long term - how the initiative supports the long term well-being of people	X		This initiative will allow the Council to continue to meet its legal obligations in respect the Coroners and Justice Act 2009.

Integration - how the initiative impacts upon our wellbeing objectives	X		There is no impact on wellbeing objectives as this appointment process is to be meet legislative requirements pursuant to the Coroners and Justice Act 2009
Involvement - how people have been involved in developing the initiative	X		The Head of Legal and Democratic Services in consultation with the Chief Legal Officer of Swansea Council will now make arrangements to set up the Panel and is seeking delegated powers to do this. Once the panel has come to a decision, a report will need to be sent to the Chief Coroner (if he was not present in the interviews) describing the process followed and the reasons for proposing the successful applicant or applicants. The approval of the Lord Chancellor will also be sought. If the Coroner Area contains more than one authority, then the host authority must work in conjunction with the other authority(ies).
Collaboration - how we have worked with other services/organisations to find shared sustainable solutions	X		The Head of Legal and Democratic Services in consultation with the Chief Legal Officer of Swansea Council will now make arrangements to set up the Panel and is seeking delegated powers to do this. Once the panel has come to a decision, a report will need to be sent to the Chief Coroner (if he was not present in the interviews) describing the process followed and the reasons for proposing the successful applicant or applicants. The approval of the Lord Chancellor will also be sought. If the Coroner Area contains more than one authority, then the host authority must work in conjunction with the other authority(ies).
Prevention - how the initiative will prevent problems occurring or getting worse	X		This initiative will allow the Council to continue to meet its legal obligations in respect the Coroners and Justice Act 2009.

7. Declaration - based on above assessment (tick as appropriate):

A full impact assessment (second stage) is not required	X
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Reasons for this conclusion

Based upon the above assessment a second stage impact assessment is not required as the initiative does not negatively impact any protected characteristics, or the Welsh language, or biodiversity, and embraces the sustainable development principle

	Name	Position	Signature	Date
Signed off by	Craig Griffiths	Head of Legal and Democratic Services	C. Griffiths	3 rd May 2024